

REMARKS

This Application has been carefully reviewed in light of the Office Action dated March 20, 2008 (“*Office Action*”). Claims 1-31 are pending, and the Examiner rejects all pending claims. Applicant respectfully requests reconsideration and favorable action in this case.

I. Rejection Under 35 U.S.C. § 101

The Examiner rejects Claims 11-20 under 35 U.S.C. § 101 because computer programs are claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs, are not physical “things.” In particular, the Examiner argues that “an *interface* and an *agent* are considered to be software and are therefore deemed to be non-statutory.” *Office Action*, p. 3. Applicant respectfully disagrees and submits that an “interface” and an “agent” are not limited to software. With regard to an interface, Applicant’s specification states that “interface 42 may include any suitable combination of hardware and/or logic for interacting with other components.” Specification, p. 12. Similarly, with regard to an agent, Applicant’s specification states that “exemplary functional elements for an agent 40 . . . includ[e] an interface 42, a description 44, a knowledge base 46, a plan 48, and a plan processing engine 50.” Specification, p. 10. Neither the claimed interface nor the claimed agent are limited to software. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 11-20.

II. Rejection Under 35 U.S.C. § 103

The Examiner rejects Claims 1-31 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication No. 2008/0010105 issued to Rose et al. (“*Rose*”) in view of U.S. Patent Application Publication No. 2006/0287897 issued to Sobalvarro, et al. (“*Sobalvarro*”). Applicant respectfully traverses the rejection and submits that *Rose* and *Sobalvarro*, whether taken alone or in combination, fail to teach or suggest each and every limitation of the claims.

Consider Applicant’s independent Claim 1, which recites:

A method for dynamic service scheduling comprising:
identifying a template specifying a plurality of events;
determining a plurality of consumer descriptors;
accessing a remote service directory having service descriptors for
each of a plurality of services;

filtering the services from the service directory based on the service descriptors, the events, and the consumer descriptors to determine potential ones of the services for fulfilling the events;

querying each of the potential services for additional service descriptors;

filtering the potential services based on the additional service descriptors, the events, and the consumer descriptors to determine selected ones of the services for fulfilling the events;

identifying service links for accessing the selected services;

modifying the template to associate the service links with the events;

determining whether each of the events in the template has an associated service link; and

when each of the events in the template has an associated service link, presenting the template for acceptance.

Among other aspects, *Rose* and *Sobalvarro*, whether taken alone or in combination, fail to teach or suggest: (1) identifying a template specifying a plurality of events; and (2) modifying the template to associate the service links with the events, as Claim 1 requires.

A. The proposed combination fails to teach or suggest identifying a template specifying a plurality of events.

Claim 1 requires identifying a template specifying a plurality of events. Applicant's specification describes the claimed template as a tool for scheduling services to fulfill the events that is refined over a series of one or more iterations. Specification, p. 8. As teaching the claimed template, the *Office Action* relies on *Rose*, figure 5A. The cited figure, however, teaches a web home page that merely links to a number of other web sites. *Rose*, para. 0053. *Rose*'s web page fails to teach or suggest "identifying a template specifying a plurality of events," as Claim 1 requires. *Sobalvarro* fails to remedy the deficiencies of *Rose*.

Independent Claims 11, 21, and 31 include limitations that, for substantially similar reasons, are not taught by *Rose* and *Sobalvarro*. Because *Rose* and *Sobalvarro* do not teach or suggest every element of independent Claims 1, 11, 21, and 31, Applicant respectfully requests reconsideration and allowance of Claims 1, 11, 21, and 31 and their respective dependent claims.

B. The proposed combination fails to teach or suggest modifying the template to associate the service links with the events.

Claim 1 requires "modifying the template to associate the service links with the events." As teaching these aspects, the *Office Action* points to various portions of *Sobalvarro*, stating:

Sobalvarro teaches an itinerary for a short weekend with a hypertext link. Sobalvarro also teaches a package for flight, car rental, dinner reservations and show tickets with hypertext links to each of the services for the event, and allowing the user to purchase the itinerary (see Figures 2E-2F). Further Sobalvarro teaches a number of package offerings with round trip air fare, hotel accommodations, car rental and show tickets (0100, 0107, also see Figure 2D, 3B, 10).

Office Action, p. 5. In the Abstract, *Sobalvarro* explains that its products or services are grouped according to an affinity algorithm and may be “reviewed and approved or selected by human operators using the back end interface before being offered for sale on the sales interface.” Abstract. *Sobalvarro*’s package offerings are fixed and cannot be modified. Accordingly, *Sobalvarro*’s package offerings cannot teach or suggest modifying anything, much less “modifying the template to associate the service links with the events,” as Claim 1 requires. Since the Examiner relies on *Rose*’s web page as teaching the claimed template, *Sobalvarro* would have to teach modifying *Rose*’s web page for the Examiner’s rejection to stand; there is no such teaching. In fact, it would not even make sense technically for *Sobalvarro* to teach modifying *Rose*’s web page. *Rose* fails to remedy the deficiencies of *Sobalvarro*.

Independent Claims 11, 21, and 31 include limitations that, for substantially similar reasons, are not taught by *Rose* and *Sobalvarro*. Because *Rose* and *Sobalvarro* do not teach or suggest every element of independent Claims 1, 11, 21, and 31, Applicant respectfully requests reconsideration and allowance of Claims 1, 11, 21, and 31 and their respective dependent claims.

CONCLUSION

Applicant has made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of this Application. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Although no fees are believed to be currently due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'K-P', followed by a horizontal line.

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